

### **REMARKS**

The Examiner rejected claims 35-36, 38-39, 41-43, 46, 56-57, and 59-60 under 35 U.S.C. §102(e) as being anticipated by Cimino. The Examiner rejected claims 35, 38, 41, 44-45, 48, 56, 59 and 62 under 35 U.S.C. §103(a) as being unpatentable over Kellogg in view of Klopotek. The Examiner rejected claims 35, 37-38, 40-41, 45, 47, 56, 58-59 and 61 under 35 U.S.C. §103(a) as being unpatentable over Kellogg in view of Cimino. The claims have been amended to recite packets of pulses separated by pause periods so that the tip operates in a non-resonant mode. None of the references anticipate or suggest this claim limitation. Cimino actually teaches away from non-resonant mode operation. Column 7, lines 43-48 of Cimino discloses operating at the resonant frequency, not in a non-resonant mode as recited in the claims. Kellogg also teaches to operate in a resonant mode. The whole purpose of Kellogg is to provide feedback control circuitry to ensure operation in resonant mode, see column 2, lines 10-16. As noted in the Applicant's last response, Klopotek does not disclose a drive signal for driving a device. The signal disclosed in Klopotek is actually a monitoring signal. One skilled in the art would not look to Klopotek to modify the drive signal of Kellogg. Additionally Klopotek does not disclose or suggest to create a pause period that prevents resonant operation of a handpiece.

In the Office Action dated August 13, 2003, the Examiner had used the Ulrich reference (U.S. 6,027,515) to show that the prior art included operating in a non-resonant mode. In the Ulrich '515 patent non-resonant operation was achieved by varying the drive frequency outside of the resonant frequency of the handpiece. This is to be distinguished from the presently claimed invention which recites utilizing pause periods of pulses that prevent the handpiece from operating in a resonant mode. As described on page 10 of the specification, the frequency of the

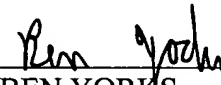
drive signal is actually the same or close to the natural frequency of the transducers, unlike Urich '515. Urich '515 does not suggest a system wherein the driving frequency is at or about the resonant frequency of the transducer and the pause periods are sufficient to prevent resonant operation of the handpiece. For all the above reasons the Applicant submits that the claims are patentably distinct from the prior art.

In view of the above it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 35-48 and 56-62 at an early date is solicited.

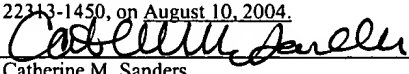
Respectfully submitted,

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Catherine M. Sanders Date